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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,237	06/26/2003	Yoshiaki Suzuki	01272.020589	4242
5514 7590 05/15/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER EDWARDS, LAURA ESTELLE				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
05/15/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/606,237

**Applicant(s)**

SUZUKI ET AL.

**Examiner**

Laura Edwards

**Art Unit**

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-13, 16, 50, 51 and 56 is/are pending in the application.
- 4a) Of the above claim(s) 50, 51 and 56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-13 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakes (US 4,226,886) in view of Hansen (US 3,971,315), Lofgren (US 3,326,180), and Ichikawa et al (US 6,051,629).

Lakes teaches a liquid transfer device or stamp pad comprising a liquid transfer member (74) for receiving a desired liquid (col. 1, lines 6-8; lines 43-46), the liquid transfer member including a transfer surface to contact another surface, the liquid transfer member for placement in a holder (col. 10, lines 52-56), the liquid transfer member including a liquid accumulating portion (24) accumulating the liquid; and a restricting portion (22) formed from a porous film formed with fine pores, supplying the liquid in said liquid accumulating portion to said transfer surface with restriction, the porous film having a thickness (i.e., depth) 10 to 200 microns (col. 5, lines 3-11) and pore diameter range of about 2 microns (col. 3, lines 16-27 and col. 4, lines 50-56) wherein the liquid in the liquid accumulating portion is supplied to the another surface through the porous film by a depression force (see for example, Fig. 7). Lakes fails to teach or suggest 1) the microporous restricting portion or film layer having a pore diameter in the range of 0.1 to 1 microns, 2) the stamp pad being placed in the form of a kit (i.e., a receptacle having a lid), and 3) the liquid used with the pad being silicone oil.

However, it was known in the art, at the time the invention was made to provide a microporous portion or film layer in a liquid transfer device to be in the range of at least 0.5 microns in order to allow for some fluid flow but yet prevent substantial "bleed out" of the fluid

as evidenced by Hansen (col. 4, lines 62 to col. 5, line 5). It would have been obvious to one of ordinary skill in the art to provide the microporous restricting portion or film layer of Lakes to be of a pore diameter of at least 0.5 microns as taught by Hansen, in order to allow for some fluid flow through the restricting portion but prevent substantial "bleed out" of the fluid.

As for the use of the stamp pad being in kit form to include a lid, Lakes alludes to use of a stamp pad in kit form as evidenced by col. 10, lines 54-56, as it is common in the industry for the benefit of keeping the pad with liquid therein from drying out. Furthermore, it was known in the art at the time the invention was made to provide a lid to hold and enclose the liquid transfer device with the lid being made of flexible lightweight material including resinous plastics (col. 2, lines 15-19). It would have been obvious to one of ordinary skill in the art to provide a lid on the stamp pad kit as defined by the combination above in order to keep liquid within the pad from drying out, to hold and enclose the pad, as well as enable the intended use of the lid as a pressing mechanism to remove any excess liquid out of the pad for application to a substrate.

Finally, the type of liquid used in the kit device defined by the combination above is not set forth but Ichikawa et al establish the conventional use of ink in a stamp pad having silicone oil therein as evidenced by col. 1, lines 3-5; lines 40-57 such that it would be well within the purview of one skilled in the art to place silicone oil containing liquid in the stamp pad of the kit device defined by the combination above.

With respect to claims 3 and 5, the kit device as defined by the combination above would include a receptacle having a supporting frame to mate with the lid.

With respect to claim 4, the prior art above to Lakes, Hansen, Lofgren, and Ichikawa et al combined do not disclose uniformity in density of the liquid accumulating portion. However,

because Lakes illustrates the liquid accumulating portion being formed from a polymeric composition compressed into a sheet or layer of uniform thickness (See Fig. 2; col. 7, lines 38-43), one of ordinary skill in the art would expect that the liquid accumulating portion or layer to be of a uniform density.

With respect to claims 6/7, the device as defined by the combination above would meet said different density limitation because Lakes recognizes that the polymeric composition can be extruded as two or more layers with different void volumes or channels (see col. 7, lines 13-17). Therefore, one of ordinary skill in the art would readily appreciate the liquid accumulating portion resulting from a multilayered sheet of different void volumes and or channel sizes to result in a sheet having different or varying density in thickness.

With respect to claim 9, the determination of an appropriate capillary force of the various layers including liquid accumulating portion with respect to the restricting portion including the porous film to supply or transfer liquid would be determined via routine experimentation.

Claims 8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakes (US 4,226,886), Hansen (US 3,971,315); Lofgren (US 3,326,180), and Ichikawa et al (US 6,051,629) as applied to claims 1, 3-7, and 9 above and further in view of Terry (US 5,213,751).

The teachings of Lakes, Hansen, Lofgren, and Ichikawa et al have been mentioned above but none of said prior art teaches or suggests the liquid accumulating portion being formed of laminated sheets of different densities. However, it was known in the art, at the time the invention was made, to form a multilayered pad product including a liquid accumulating portion via the lamination of sheets of different materials (including polymer and adhesive) as evidenced

by Terry (col. 3, lines 28 to col. 4, line 23). In light of the teachings of Terry, one of ordinary skill in the art would readily appreciate the liquid accumulating portion of the device defined by the combination above to be alternatively formed by lamination of at least one polymeric sheet layer adjacent an adhesive layer to result in a multilayered sheet of different materials and therefore different densities.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lakes (US 4,226,886), Hansen (US 3,971,315), Lofgren (US 3,326,180), and Ichikawa et al (US 6,051,629) as applied to claim 1 above and further in view of Kent (US 3,009,440).

The teachings of Lakes, Hansen, Lofgren, and Ichikawa et al have been previously mentioned but none of said prior art teaches or suggests the liquid accumulating portion having stripe form grooves on a bottom surface thereof. However, it was known in the art, at the time the invention was made, to form a multilayered pad product including a liquid accumulating portion having stripe form grooves on a bottom surface thereof to allow for penetration of fluid into the pad product as evidenced by Kent (col. 2, lines 13-19). It would have been obvious to one of ordinary skill in the art to provide grooves as taught by Kent on the bottom surface of the liquid accumulating portion of the device defined by the combination above in order to facilitate penetration of fluid into the pad.

Claims 1, 3-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakes (US 4,226,886) in view of Hansen (US 3,971,315), Lofgren (US 3,326,180), and Arndt (US 5,737,071).

Lakes teaches a liquid transfer device or stamp pad comprising a liquid transfer member (74) for receiving a desired liquid (col. 1, lines 6-8; lines 43-46), the liquid transfer member including a transfer surface to contact another surface, the liquid transfer member for placement in a holder (col. 10, lines 52-56), the liquid transfer member including a liquid accumulating portion (24) accumulating the liquid; and a restricting portion (22) formed from a porous film formed with fine pores, supplying the liquid in said liquid accumulating portion to said transfer surface with restriction, the porous film having a thickness (i.e., depth) 10 to 200 microns (col. 5, lines 3-11) and pore diameter range of about 2 microns (col. 3, lines 16-27 and col. 4, lines 50-56) wherein the liquid in the liquid accumulating portion is supplied to the another surface through the porous film by a depression force (see for example, Fig. 7). Lakes fails to teach or suggest 1) the microporous restricting portion or film layer having a pore diameter in the range of 0.1 to 1 microns, 2) the stamp pad being placed in the form of a kit (i.e., a receptacle having a lid), and 3) the liquid used with the pad being at least one of fatty acid ester, silicone oil, modified silicon, or fluorinated oil.

However, it was known in the art, at the time the invention was made to provide a microporous portion or film layer in a liquid transfer device to be in the range of at least 0.5 microns in order to allow for some fluid flow but yet prevent substantial "bleed out" of the fluid as evidenced by Hansen (col. 4, lines 62 to col. 5, line 5). It would have been obvious to one of ordinary skill in the art to provide the microporous restricting portion or film layer of Lakes to be of a pore diameter of at least 0.5 microns as taught by Hansen, in order to allow for some fluid flow through the restricting portion but prevent substantial "bleed out" of the fluid.

As for the use of the stamp pad being in kit form to include a lid, Lakes alludes to use of a stamp pad in kit form as evidenced by col. 10, lines 54-56, as it is common in the industry for the benefit of keeping the pad with liquid therein from drying out. Furthermore, it was known in the art at the time the invention was made to provide a lid to hold and enclose the liquid transfer device with the lid being made of flexible lightweight material including resinous plastics (col. 2, lines 15-19). It would have been obvious to one of ordinary skill in the art to provide a lid on the stamp pad kit as defined by the combination above in order to keep liquid within the pad from drying out, to hold and enclose the pad, as well as enable the intended use of the lid as a pressing mechanism to remove any excess liquid out of the pad for application to a substrate.

Finally, the type of liquid used in the kit device defined by the combination above is not set forth but Arndt establishes the conventional use of non-volatile liquids including silicone oil, fatty acid esters, etc. therein as evidenced by col. 6, lines 6-40 such that it would be well within the purview of one skilled in the art to place non-volatile liquids including silicone oil, fatty acid esters, and such of the same class in the stamp pad of the kit device defined by the combination above.

With respect to claims 3 and 5, the kit device as defined by the combination above would include a receptacle having a supporting frame to mate with the lid.

With respect to claim 4, the prior art above to Lakes, Hansen, Lofgren, and Arndt combined do not disclose uniformity in density of the liquid accumulating portion. However, because Lakes illustrates the liquid accumulating portion being formed from a polymeric composition compressed into a sheet or layer of uniform thickness (See Fig. 2; col. 7, lines 38-



43), One of ordinary skill in the art would expect that the liquid accumulating portion or layer to be of a uniform density.

With respect to claims 6/7, the device as defined by the combination above would meet said different density limitation because Lakes recognizes that the polymeric composition can be extruded as two or more layers with different void volumes or channels (see col. 7, lines 13-'17). Therefore, one of ordinary skill in the art would readily appreciate the liquid accumulating portion resulting from a multilayered sheet of different void volumes and or channel sizes to result in a sheet having different or varying density in thickness.

With respect to claim 9, the determination of an appropriate capillary force of the various layers including liquid accumulating portion with respect to the restricting portion including the porous film to supply or transfer liquid would be determined via routine experimentation.

Claims 8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakes (US 4,226,886), Hansen (US 3,971,315), Lofgren (US 3,326,180), and Arndt (US 5,737,071) as applied to claims 1, 3-7, 9 above and further in view of Terry (US 5,213,751).

The teachings of Lakes, Hansen, Lofgren, and Arndt have been mentioned above but none of said prior art teaches or suggests the liquid accumulating portion being formed of laminated sheets of different densities. However, it was known in the art, at the time the invention was made, to form a multilayered pad product including a liquid accumulating portion via the lamination of sheets of different materials (including polymer and adhesive) as evidenced by Terry (col. 3, lines 28 to col. 4, line 23). In light of the teachings of Terry, one of ordinary skill in the art would readily appreciate the liquid accumulating portion of the device defined by

the combination above to be alternatively formed by lamination of at least one polymeric sheet layer adjacent an adhesive layer to result in a multilayered sheet of different materials and therefore different densities.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lakes (US 4,226,886), Hansen (US 3,971,315), Lofgren (US 3,326,180), and Arndt (US 5,737,071) as applied to claim 1 above and further in view of Kent (US 3,009,440).

The teachings of Lakes, Hansen, Lofgren and Arndt have been previously mentioned but none of said prior art teaches or suggests the liquid accumulating portion having stripe form grooves on a bottom surface thereof. However, it was known in the art, at the time the invention was made, to form a multilayered pad product including a liquid accumulating portion having stripe form grooves on a bottom surface thereof to allow for penetration of fluid into the pad product as evidenced by Kent (col. 2, lines 13-19). It would have been obvious to one of ordinary skill in the art to provide grooves as taught by Kent on the bottom surface of the liquid accumulating portion of the device defined by the combination above in order to facilitate penetration of fluid into the pad.

#### ***Response to Arguments***

Applicants' arguments filed 1/18/08 have been fully considered but they are not persuasive.

Applicants contend that Lakes is a self metering pad without a lid and there is no suggestion that Lakes is to apply dispersive force through the lid to cover the printed product to transfer liquid to the printed product.

This argument is not deemed persuasive because Lakes alone has not been applied to establish a prima facie case of obviousness. Lakes, as the first primary reference, merely provides evidence to the use of a stamp pad having the liquid transfer member including a transfer surface to contact another surface, the liquid transfer member for placement in a holder (col. 10, lines 52-56), the liquid transfer member including a liquid accumulating portion (24) accumulating the liquid; and a restricting portion (22) formed from a porous film formed with fine pores, supplying the liquid in said liquid accumulating portion to said transfer surface with restriction. Lofgren establishes the conventional wisdom in the art to provide a lid for use with a holder to define an enclosed stamp pad. As for the intended use of the lid to apply pressure, to transfer liquid to a printed product, the apparatus as defined by the combination would allow such usage because the lid can be made of a lightweight material including plastic which alludes to some degree of flexibility of the lid such as to give under pressure should anything be placed between the lid and the stamp pad. One of ordinary skill in the art would readily appreciate manipulation of the lid under pressure whether with printed product or without to expel liquid out of the stamp pad.

Applicants argue that the combined teachings of Lakes with Hansen would not be obvious to one skilled in the art because the range recited in Hansen (.5 to 100 microns) and the range recited in Lakes (2 to 450 microns) has an overlapping range (2 to 100 microns) to the

extent that one skilled in the art would not be motivated to combine the teachings of Lakes and Hansen.

This argument is not deemed persuasive in that one skilled in the art would readily appreciate utilizing a known pore size for a film layer in a stamp pad based on the benefit of minimizing bleed of the liquid from the pad as noted by Hansen and therefore preventing material waste. Regardless of Applicants' claim of broad overlapping range, Hansen provides motivation for use of a pore size in the range of at least 0.5 microns to allow for some fluid flow but yet prevent substantial "bleed out" of the fluid. A prima facie case of obviousness has been established and the proper motivation for the combination has been supplied as required by **Graham v. Deere**, thus the 103 rejection remains.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura Edwards/  
Primary Examiner  
Art Unit 1792

lc  
May 10, 2008